

GOVERNMENT OF TELANGANA

ABSTRACT

PUBLIC SERVICES – Labour Employment Training & Factories Department – DIMS – Gazetted Estt., - Sri. Dr. N.Govinda Rao, Civil Surgeon Specialist, the then Medical Superintendent, ESI Hospital, Sanathnagar - Departmental proceedings under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Articles of Charges - Issued.

LABOUR EMPLOYMENT TRAINING & FACTORIES (Emp-VIG) DEPARTMENT

G.O.Rt.No.298

Dated: 1st July, 2015

ORDER:

It is proposed to hold an inquiry against Sri. Dr. N. Govinda Rao, Civil Surgeon Specialist, the then Medical Superintendent, ESI Hospital, Sanathnagar, in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A statement of imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).
3. Sri. Dr. N. Govinda Rao, Civil Surgeon Specialist, the then Medical Superintendent, ESI Hospital, Sanathnagar is directed to submit, within 10 days of the receipt of this order, a written statement of defense.
4. Sri. Dr. N. Govinda Rao, Civil Surgeon Specialist, the then Medical Superintendent, ESI Hospital, Sanathnagar is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.
5. Sri. Dr. N. Govinda Rao, Civil Surgeon Specialist, the then Medical Superintendent, ESI Hospital, Sanathnagar is further informed that if he/she does not submit her written statement of defence on or before the date specified in para 3 above or otherwise fails or refuses to comply with the provisions of rule 20 of Andhra Pradesh Civil Services (CCA) Rules, 1991 or the orders/directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex parte.
6. Attention of Sri. Dr. N. Govinda Rao, Civil Surgeon Specialist, the then Medical Superintendent, ESI Hospital, Sanathnagar is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that Sri. Dr. N. Govinda Rao, Civil Surgeon Specialist, the then Medical Superintendent, ESI Hospital, Sanathnagar is aware of such a representation and that it has been made at his instance and action will be taken against his for violation of rule 24 of the A.P. Civil Service (Conduct) Rules, 1964.

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7. The receipt of the Memorandum be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

HARPREET SINGH
SECRETARY TO GOVERNMENT

To

Sri. Dr. N. Govinda Rao, Civil Surgeon Specialist, the then Medical Superintendent, ESI Hospital, Sanathnagar, through the Director, Insurance Medical Services, Telangana State, Hyderabad.

Encls: Annexures I to IV

The Director, Insurance Medical Services, Telangana State, Hyderabad. With a direction to serve the AoC on the individual under proper acknowledgement. He is also requested to send the acknowledgement to the Govt.

Copy to:

The General Administrative (V&E) Department, Telangana State, Hyderabad.

The Secretary, Telangana State Vigilance Commission, Hyderabad

SF/SC

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE.I

ARTICLES OF CHARGE

Charge : 1 That Dr. N. Govinda Rao, Civil Surgeon Specialist, during his tenure of Office as Medical superintendent ESI Hospital, Sanath Nagar, Hyderabad has given irregular admissions to the DNB courses at ESI Hospital, Sanath Nagar in the year 2005 against the orders in G.O.Ms.No.14, dt: 17.2.2004. Which is a violation of Rule 3 (3) of A.P. Civil Services (Conduct) Rules, 1964.

HARPREET SINGH
SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE.II

STATEMENT OF IMPUTATION OF MISCONDUCT

Draft statement of imputations of misconduct or misbehavior in support of the articles of charge framed against Sri. Dr. N. Govinda Rao, Civil Surgeon Specialist, the then Medical Superintendent, ESI Hospital, Sanathnagar, Hyderabad.

Charge I:

During the enquiry of GA V(V&E) Dept, it was reported that the Director, IMS, Hyderabad has furnished information vide Rc.No.2591/Vig/2008, dt:5.5.2012 (Annexure-VI) &.Rc.No.2591/Vig/2008, dated:20-9-2012 (Annexure-VII) wherein he stated that during the tenure of Dr.N. Govinda Rao, the then Medical Superintendent, Dr. P. Bhaskar Rao, General Surgery, Dr.N.Sateesh Kumar, General Surgery & Dr. Dilip Vasanth, K.A, General Surgery were permitted to do DNB course at ESI Hospital, Sanathnagar. Out of three candidates (2) were in service and one Dr. Dilip Vasanth, K.A., was non ESI Candidate. The Director, IMS, Hyderabad, further submitted some more information vide Rc.No.2591/Vig/2008, dt:20.9.2012 to the V&E wherein he stated that there are no separate rules and regulations for non ESI candidates to do DNB courses under National Board of Examination. Dr. Dilip Vasanth, K.A, has completed his DNB course in June, 2011with Reg. No. PR/SO/46/2005 which was issued by National Board of Examinations and Dr. Dilip Vasanth, K.A has given undertaking that he worked as DNB Trainee for a period of (3) years on honorary basis without stipend.

1. Statement of Dr. Dilip Vasanth, K.A (Annexure-VIII)

He stated that 'I am working as Asst. Prof. of Surgery in the department, of General Surgery in SVS Medical College of Hospital, vinugonda, Mahabubnagar. I have appeared for DNB CET entrance examination in the year December, 2004 and qualified in the examination. I have applied to ESI Hospital, Sanathnagar in the year 2005 and got selected through interview. My name was sent to the NBE – New Delhi for enrolling for the training programme in Gen. Surgery for (3) years. The NBE has sent a provisional registration No. PR/ Surg/ C/ 46/05, dt:18.5.2005 to ESI hospital, Sanathnagar. I underwent training in ESI Hospital, Sanathnagar in the department of Gen. Surgery for 3 years from 28.2.2005 to 27.2.2008. During this training period, I did not took the stipend".

2. Statement of Dr. N. Govinda Rao, Spl. Grade Civil Surgeon (Retd), the then Medical Superintendent ESI hospital, Sanathnagar, Hyderabad. (Annexure- IX)

Dr. N. Govinda Rao has stated that, he was serving as Civil Surgeon Specialist in General Surgery (HOD) ESI Hospital, Sanathnagar, Hyderabad from 26.07.1997 and Civil Surgeon Specialist in Surgery and Medical Superintendent, during 01.07.2004 to 28.09.2006.

Accreditation (to start DNB Courses) of the Department of General Surgery ESI Hospital, Sanathnagar by the National Board of examinations (NBE) Ministry of health & family welfare New Delhi, was accorded from January 2001 to 2003 with the permission to take two (2) candidates in General Surgery every year and in the Department of OB&GY, four (4) candidates every year and renewal was done later.

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DNB Post graduate training programme is sponsored by National Board of Examinations (NBE) Ministry of Health and Family Welfare New Delhi, (a) to minimize the existing shortfall of the specialists, (b) to promote non teaching Hospitals & infrastructure facilities for the training these specialist, (c) and to promote & provide specialists services to the peripheral and rural areas. At the time of accreditation ESI Hospital Sanathnagar is one among the 450 Institutions under NBE, Ministry of Health and family welfare, New Delhi, If the NBE, guidelines are not followed by the accredited Institution, the accreditation will be cancelled by the NBE as per the LETTER OF ADHERENCE, which was executed at the time of accreditation.

As per the NBE guidelines the candidates for admission in the DNB courses should have passed central entrance test (CET) conducted by the NBE, New Delhi, the candidates for DNB courses are selected by the accredited Institute, based on merit and open to the candidates across the country. Revised guidelines by NBE issue on 29th June 2005 where in addition to CET selection of DNB trainees to be done through interview and objective assessment of the candidates aptitude and payment of stipend to the DNB Trainees mandatory by the accredited Institute.

Even though accreditation of the department of General Surgery by NBE was done w.e.f. January 2001 admissions to DNB, courses did not take place, till June 2004, as there are no proper guidelines by the Directorate (DIMS) Government of Andhra Pradesh. The First Admission to DNB courses in General Surgery took place on 09.06.2004, before I took charge as Medical Superintendent on 01.07.2004.

For the academic year 2004 Dr. P. Baskhar Rao CAS was taken as DNB training as in service candidate. The other DNB seat in General Surgery was kept vacant as there were no eligible candidates in ESI Department. G.O.MS.14 was issued only in 2004 stating that DNB Seats should be given to only to the candidates working in the ESI Department, which is contrary to the NBE Guidelines and every year the DNB seats are falling vacant for the want of service candidate in ESI Department.

The then Medical Superintendent, ESI Hospital, Sanathnagar, in his letter dated:25.2.2004 addressing the Director Insurance Medical Services, requesting to pursue with the Government of Andhra Pradesh and the Director General ESI Corporation to have the option of taking outsiders Non ESI Doctors) for DNB courses as per NBE Merit List, instead of keeping the DNB seats vacant (Copy enclosed). The matter was brought to the notice of the Government of Andhra Pradesh, through various letters and to the Director General, ESI Corporation New Delhi, The Director General ESI Corporation in his review meeting the DIMS, Govt. of A.P. State Medical Commissioner (SMC) Regional Director (RD) & Medical Superintendent ESI Hospital Sanathnagar, instructed to follow NBE Guidelines for taking the candidates to DNB Courses, in addition to, giving preference to in-service candidates in ESI Hospitals.

This is followed by the letter communicated by the O/o. The Director General, ESI Corporation, New Delhi, vide letter No.U-16/252002/A.P./Med.II, Dt:22.12.2004 addressed to the Deputy Secretary, Department of Labour Employment Training & Factories Government of Andhra Pradesh, for stating of DNB courses in General Surgery & OB&GY in ESI Hospital, Sanathnagar strictly in accordance with the guidelines issue by the National Board of Examinations (NBE).

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Meanwhile, the principal Secretary, Labour Employment Training & Factories, Government of Andhra Pradesh, through Memo No.911/IMS-2/2005-1, dated:29.04.2005 directing the DIMS, Government of Andhra Pradesh to furnish the total expenditure particulars to be borne by the State Government towards the payment of stipend & budget availability, Head of Account etc., indicating willingness of the Government to pay stipend to DNB trainees who were selected in the open category. Subsequently DNB Admissions in General Surgery for the academic year 2005, took place to fill (2) seats following the guidelines issued by the NBE, based on merit and Interview (conducted by the Heads of two accredited Department viz. General Surgery and OB&GY), one each to ESI, Service candidate one to open.

SL. No	Name of the Candidate	Subject	Duration (Admission date)	Registration Number	Status
1	Dr.N. Satish Kumar	Gen.Surgery	11.02.2005 (3 years)	PR/Sug/Dip/ENT/ 18/05	In Service
2	Dr. Dilip Vasanth K.A	Grn. Surgery	28.02.2005	PR/Surg/C/46/05	Open

Compliance report was sent to NBE where the selected candidates were issued registration numbers and to the Directorate of IMS Government of Andhra Pradesh, The Director IMS Department, in turn issued memo to the Superintendent, ESI Hospital, Sanathnagar, asking to explain why DNB seat was given to open candidates. The O/o the Superintendent ESI Hospital, Sanathnagar has submitted detailed clarification through letter 1213/ESI/HL/SNR/ Peshi 2006, dated: 23.08.2006 (Copy enclosed).

Even the stipend fixed by the NBE, to the DNB trainee post graduates at that time was Rs.10,000/- per month 1st year Rs.11,000/- PM for the 2nd year and Rs.12,000/- PM for final year, which is much tower, compared to the regular in service ESI Doctors salary of Rs.16,413/- PM, making the DNB trainee PG more demanding professionally more efficient, saving lot of money to the Government (Rs.1,14,956/- on each DNB Trainee, every year).

While preference was given to in service candidates working in ESI Hospitals for DNB seats for the First DNB seat, the other DNB seat was given to open candidate, when there are no eligible candidates in ESI Department, to fulfill NBE Guide Lines & to avoid DNB seat falling vacant, as in earlier occasions.

He was transferred to ESI Hospital, Rajahmundry E.G. Disistrict, in the month of October, 2006.

Incidentally Dr. Dilip Vasant K.A., is the 1st candidate ever to pass DNB Examination from ESI hospital, Sanathnagar, Hyderabad, was not paid stipend and hence there was no financial loss incurred by the Institute/ Government.

He was retired form Service on Superannuation on 30.6.2010.

Rebuttal:

The ESI Hospital employees are working under the State Government and the Hospital is being funded by the Central and State Govt. together. As per the NBE guidelines, the candidates for admission in the DNB courses should have

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passed Central Entrance Test (CET) conducted by the NBE, New Delhi, Further he stated that the DNB seat in General Surgery was kept vacant as there are no eligible candidates in ESI Department. G.O.Ms.No.14, issued by Principal Secretary to Government, Labour Employment Training and Factories (Vig) Department, stating that DNB Seats should be given to only to the candidates working in the ESI Department, which is contrary to the NBE Guidelines and every year the DNB seats are falling vacant for the want of service candidate in ESI Department. If such is the case, he has to seek permission/ ratification from the State Government or from the higher officials. But he failed to do so and gave admission to Dr. Dilip Vasanth KA unilaterally in the year 2005. As a State Government employees he was duty bound to follow the said G.O.Ms.No.14 for the process of admission. Hence his version is not convincing and not acceptable.

Analysis of the evidence:

As per the information furnished by the Director, IMS, Hyderabad and the statement of Dr. Dilip Vasanth, K.A it is revealed that Dr. Dilip Vasanth, K.A, non ESI candidate secured admission for Diploma of National Board Course by Dr.N.Govinda Rao, Medical Supdt., (1.7.2004 to 28.10.2006) during his tenure and underwent training in ESI Hospital, Sanathnagar from 28.2.2005 to 27.2.2008 without stipend.

The Principal Secretary to Government, Labour Employment Training & Factories (IMS) Department, vide G.O.Ms.No.14, dated:17.2.2004 (Annexure-X) had given instructions to the Director, IMS, Hyderabad that DNB course admission should be exclusively given to ESI Doctors and not to outsiders. As per the above G.O.Ms.No.14 admission of Dr. Dilip Vasanth, K.A into DNB course at ESI Hospital, Santhnagar by the then Medical Supdt., Dr. N. Govinda Rao is irregular although Dr. Dilip Vasanth, K.A was not paid any stipend.

Findings:

Dr. N. Govinda Rao, the then Medical Supdt., ESI Hospital, Sanathnagar who retired from Service on 30.06.2010 has given irregular admission to Dr. Dilip Vasanth, K.A into DNB course in the year 2005 against the G.O.Ms.No.14, dated:17.2.2004.

HARPREET SINGH
SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE.III

LIST OF DOCUMENTS

1. G.O.Ms.No.14, Labour Employment Training & Factories (IMS) Department, dated.17.02.2004.
2. R.C.No.2591/Vigilance/2008, dt.05.05.2012 from DIMS, A.P. Hyderabad.
3. R.C.No.2591/Vigilance/2008, dt.20.09.2012 from DIMS, A.P. Hyderabad.

ANNEXURE.IV

LIST OF WITNESSES

Nil.

HARPREET SINGH
SECRETARY TO GOVERNMENT

SECTION OFFICER